

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 380
SPECIALIZED MENTAL HEALTH REHABILITATION FACILITIES CODE

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82 AUTHORITY: Implementing and authorized by the Specialized Mental Health Rehabilitation
83 Act of 2013 [210 ILCS 49].

84

85 SOURCE: Emergency rule adopted at 38 Ill. Reg. 11819, effective May 22, 2014, for a
86 maximum of 150 days; emergency expired October 18, 2014; adopted at 38 Ill. Reg. 22897,

effective November 21, 2014; amended at 43 Ill. Reg. 1651, effective January 18, 2019; emergency amendment at 44 Ill. Reg. 8568, effective May 5, 2020, for a maximum of 150 days; emergency repeal of emergency rule at 44 Ill. Reg. 16312, effective September 15, 2020; amended at 44 Ill. Reg. 18403, effective October 29, 2020; emergency amendment at 44 Ill. Reg. 19051, effective November 19, 2020, for a maximum of 150 days; emergency rule expired April 17, 2021; emergency amendment at 45 Ill. Reg. 461, effective December 18, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 2133, effective January 27, 2021, for the remainder of the 150 days; emergency rule as amended expired May 16, 2021; emergency amendment at 45 Ill. Reg. 5631, effective April 18, 2021, for a maximum of 150 days; emergency rule expired September 14, 2021; emergency amendment at 45 Ill. Reg. 6755, effective May 17, 2021, for a maximum of 150 days; emergency expired October 13, 2021; emergency amendment at 45 Ill. Reg. 12058, effective September 15, 2021, for a maximum of 150 days; emergency amendment to emergency rule at 45 Ill. Reg. 14665, effective November 4, 2021, for the remainder of the 150 days; emergency rule as amended expired February 11, 2022; emergency amendment at 45 Ill. Reg. 13761, effective October 14, 2021, for a maximum of 150 days; emergency expired March 12, 2022; emergency amendment at 46 Ill. Reg. 3365, effective February 12, 2022, for a maximum of 150 days; emergency expired July 11, 2022; emergency amendment at 46 Ill. Reg. 5395, effective March 13, 2022, for a maximum of 150 days; emergency expired August 9, 2022; emergency amendment at 46 Ill. Reg. 13502, effective July 15, 2022, for a maximum of 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 16504, effective September 19, 2022, for the remainder of the 150 days; emergency amendment to emergency rule at 46 Ill. Reg. 18322, effective October 31, 2022, for the remainder of the 150 days; emergency expired December 11, 2022; amended at 46 Ill. Reg. 16870, effective September 26, 2022; emergency amendment at 46 Ill. Reg. 20357, effective December 12, 2022, for a maximum of 150 days; amended at 47 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 380.110 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated in this Part:
 - 1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 33, Existing Board and Care Occupancies (2012) or Chapter 32, New Board and Care Occupancies (2012), and the following additional standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169.
 - A) No. 10 (2010): Standard for Portable Fire Extinguishers
 - B) No. 13 (2010): Standard for the Installation of Sprinkler Systems

- C) No. 25 (2011): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems
- D) No. 54 (2012): National Fuel Gas Code
- E) No. 70 (2011): National Electrical Code
- F) No. 72 (2010): National Fire Alarm and Signaling Code
- G) No. 80 (2010): Standard for Fire Doors and Other Opening Protectives
- H) No. 90A (2012): Standard for Installation of Air Conditioning and Ventilating Systems
- I) No. 96 (2011): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
- J) No. 99 (2012): Health Care Facilities Code
- K) No. 101A (2013), Guide on Alternative Approaches to Life Safety, Chapter 6 and Chapter 7
- L~~K~~) No. 110 (2010): Standard for Emergency and Standby Power Systems
- M~~L~~) No. 220 (2012): Standard on Types of Building Construction
- N~~M~~) No. 241 (2009): Standard for Safeguarding Construction, Alteration and Demolition Operations

- 2) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (2009~~2004~~), and Handbook of Applications (2007~~1999~~), which may be obtained from the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta GA 30329.
- 3) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, Fifth~~5th~~ Edition (DSM-5) (2022~~2013~~) (American Psychiatric Association), available at: <http://appi.org/Products/dsm> or~~which may be obtained from the American Psychiatric Association, 800 Maine Avenue, SW, Suite 900, Washington, DC 20024. 1000 Wilson Boulevard, Suite 1825, Arlington VA 22209-3901.~~

- 4) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, ~~Fourth~~^{Third} Edition (~~2014~~²⁰⁰⁷), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta GA 31193-3104 (800-762-2264).
- 5) Drug Burden Index to Define the Functional Burden of Medications in Older People (April, 2007), which may be obtained from the American Medical Association, AMA Plaza, 330 N. Wabash Ave., Suite 38300, Chicago IL 60611-5885, or accessed at:
<https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/412262>
~~<http://archinte.jamanetwork.com/article.aspx?articleid=412262>~~.
- 6) Accreditation:
 - A) Joint Commission Resources 2022 Comprehensive Accreditation Manual for Behavioral Health Care and Human Services, available at: <https://store.jcrinc.com/2022-comprehensive-accreditation-manuals/2022-comprehensive-accreditation-manual-for-behavioral-health-care-and-human-services-cambhc-hard-copy/> or from Joint Commission Resources, 1515 West 22nd Street, Suite 1300W; Oak Brook, IL 60523.~~Standards for Behavioral Health Care (Joint Commission, 2014), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60184;~~
 - B) Commission on Accreditation of Rehabilitation Facilities (CARF) 2022 Behavioral Health Standards Manual, available at: http://bookstore.carf.org/category/INT-2022_BH.html
~~(Commission on Accreditation of Rehabilitation Facilities (CARF, 2014), 4891 East Grant Road, Tucson AZ 85711; or~~
 - C) ACHC Accreditation Standards, available at: <https://cc.achc.org/Registration/Register> or from the Accreditation Commission for Health Care, 139 Weston Oaks Ct., Cary, NC 27513.~~Accreditation Requirements for Behavioral Health Centers (Healthcare Facilities Accreditation Program, 2010), 142 E. Ontario Street, Chicago IL 60611.~~
- 7) Federal Guidelines:
 - A) General Best Practice Guidelines for Immunization, Best Practices Guidance~~Recommendations~~ of the Advisory Committee on

Immunization Practices (ACIP) (March 15, 2022~~2014~~), available at: <https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/index.html> or ~~which may be obtained~~ from the Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta GA ~~30329-4027~~~~30333~~ (800-232-4636).

B) Sexually Transmitted ~~Infections~~~~Diseases~~ Treatment Guidelines (July 23, 2021~~2010~~), available at: <https://www.cdc.gov/std/treatment-guidelines/STI-Guidelines-2021.pdf> which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta GA 30333 (800-232-4636).

C) "Recommended Dietary Allowances", 10th Edition (1989), adopted by the Food and Nutrition Board of the National Research Council of the National Academy of Science, available at: <https://www.ncbi.nlm.nih.gov/books/NBK234932/> or ~~which may be obtained from~~ the National Academy of Science, Keck Center ~~W700~~, 500 Fifth St. NW, Washington DC 20001 (202-334-~~2000~~~~2352~~).

8) Evidence-based and evidence-informed treatment practices, including but not limited to:

A) The Illness Management and Recovery : Practitioner Guides and Handouts (2009)~~Evidence-Based Practices Kit (Substance Abuse and Mental Health Services Administration. Illness Management and Recovery: Practitioner Guides and Handouts~~, HHS Pub. No. SMA-09-4462, available at: [https://store.samhsa.gov/sites/default/files/d7/priv/practitionerguidesandhandouts 0.pdf](https://store.samhsa.gov/sites/default/files/d7/priv/practitionerguidesandhandouts0.pdf) ~~Rockville MD~~: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services, 5600 Fishers Lane; Rockville, MD, 20857~~2009~~).

B) Wellness Recovery Action Plan (WRAP), by Copeland, Mary Ellen, Ph.D., Peach Press (2011), P.O. Box 301, West Dummerston VT 05357.

C) Motivational Interviewing: Helping People Change, Third Edition (2013), ~~by~~ Miller, W. R., & Rollnick, S, available at: <https://www.guilford.com/> or from Guilford Press, 370 Seventh Avenue, Suite 1200, ~~Guilford Publications (2002)~~, 72 Spring

~~Street,~~ New York, NY 10001-1020 (800-365-7006)~~10012 (800-365-7006).~~

- 9) ADA Standards for Accessible Design (2010), available at: <https://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandardsprt.pdf> or ~~which may be obtained~~ from the U.S., Department of Justice ADA website (www.ada.gov) or by writing U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division, 950 Pennsylvania Avenue, NW, 4CON, 9th Floor, Washington, DC 20530~~Disability Rights Section—NYA, Washington DC 20530 (800-514-0301).~~
- 10) Federal Rules:
 - A) 21 CFR 1306.11, Requirement of Prescription (April 1, 2022~~2013~~)
 - B) 21 CFR 1306.21, Requirement of Prescription (April 1, 2022~~2013~~)
 - C) 24 CFR 578.3, Definitions~~Continuum of Care~~ (April 1, 2022~~2014~~)
 - D) 45 CFR 46, Protection of Human Subjects (October 1, 2021~~2012~~)
- b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
 - 1) Federal Statutes:
 - A) Americans With Disabilities Act of 1990 (42 U.S.C. 12101~~104 USC 12101327)~~
 - B) Health Insurance Portability and Accountability Act (110 U.S.C.~~USC~~ 1936)
 - C) Comprehensive Drug Abuse Prevention Control Act of 1970 (21 U.S.C.~~USC~~ 13)
 - 2) State of Illinois Statutes, available at: <https://ilga.gov/legislation/ilcs/ilcs.asp>:

- A) Specialized Mental Health [Rehabilitation](#) Act of 2013 [210 ILCS ~~49~~[490](#)]
- B) Mental Health and Developmental Disabilities Code [405 ILCS 5]
- C) Unified Code of Corrections [730 ILCS 5]
- D) Nurse Practice Act [225 ILCS 65]
- E) Medical Practice Act of 1987 [225 ILCS 60]
- F) Clinical Psychologist Licensing Act [225 ILCS 15]
- G) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- H) Illinois Occupational Therapy Practice Act [225 ILCS 75]
- I) Professional Counselor and Clinical Professional Counselor Licensing and Practice Act [225 ILCS 107]
- J) Marriage and Family Therapy Licensing Act [225 ILCS 55]
- K) Health Care Worker Background Check Act [225 ILCS 46]
- L) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70]
- M) Illinois Controlled Substances Act [720 ILCS 570]
- N) AIDS Confidentiality Act [410 ILCS 305]
- O) Dietitian Nutritionist Practice Act [225 ILCS 30]
- P) Smoke Detector Act [425 ILCS ~~60~~[65](#)]
- Q) [Illinois Power of Attorney Act](#)~~Powers of Attorney for Health Care Law~~ [755 ILCS 45/Art. IV]
- R) Mental Health Treatment Preference Declaration Act [755 ILCS 43]
- S) Whistleblower Act [740 ILCS 174]

- 344 T) Criminal Code of 2012 [720 ILCS 5]
- 345
- 346 U) Smoke Free Illinois Act [410 ILCS 82]
- 347
- 348 V) Mental Health and Development Disabilities Confidentiality Act
- 349 [740 ILCS 110]
- 350
- 351 W) Probate Act of 1975 [755 ILCS 5]
- 352
- 353 X) Language Assistance Services Act [210 ILCS 87]
- 354
- 355 Y) Safety Glazing Materials Act [430 ILCS ~~60~~65]
- 356
- 357 Z) Child Care Act of 1969 [225 ILCS 10]
- 358
- 359 AA) Community Living Facilities Licensing Act [210 ILCS 35]
- 360
- 361 BB) Community-Integrated Living Arrangements Licensure and
- 362 Certification Act [210 ILCS 135]
- 363
- 364 CC) Supportive Residences Licensing Act [210 ILCS 65]
- 365
- 366 DD) Illinois Public Aid Code [305 ILCS 5]
- 367
- 368 EE) Assisted Living and Shared Housing Act [210 ILCS 9]
- 369
- 370 FF) Alternative Health Care Delivery Act [210 ILCS 3]
- 371
- 372 GG) Cannabis Control Act [720 ILCS 550]
- 373
- 374 HH) Methamphetamine Control and Community Protection Act [720
- 375 ILCS 646]
- 376
- 377 II) Sex Offender Management Board Act [20 ILCS 4026]
- 378
- 379 JJ) Illinois Human Rights Act [775 ILCS 5]
- 380
- 381 KK) [Illinois](#) Uniform Conviction Information Act [20 ILCS 2635]
- 382
- 383 LL) Hospital Licensing Act [210 ILCS 85]
- 384
- 385 MM) Nursing Home Care Act [210 ILCS 45]
- 386

NN) Sex Offender Registration Act [730 ILCS 150]

OO) ID/DD Community Care Act [210 ILCS 47]

PP) MC/DD Act [210 ILCS 46]

3) State of Illinois Administrative Rules, available at:
<https://ilga.gov/commission/jcar/admincode/titles.html>:

- A) Department of Public Health, Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- B) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
- C) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696)
- D) Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955)
- E) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- F) Department of Public Health, Control of Sexually Transmissible Infections Code (77 Ill. Adm. Code 693)
- G) Department of Public Health, Food ~~Services Sanitation~~ Code (77 Ill. Adm. Code 750)
- H) Department of Public Health, Drinking Water Systems Code (77 Ill. Adm. Code 900)
- I) Department of Public Health, Water Well Construction Code (77 Ill. Adm. Code 920)
- J) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- K) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)

- L) Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940)
- M) Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- N) Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
- O) Department of Public Health, Emergency Medical Services, Trauma Center, [Comprehensive Stroke Center](#), Primary Stroke Center and [Acute](#)~~Emergency~~ Stroke Ready Hospital Code (77 Ill. Adm. Code 515)
- P) Department of Human Services, Medicaid Community Mental Health Services Program (59 Ill. Adm. Code 132)
- Q) Healthcare and Family Services, Mental Health Services in Nursing Facilities (89 Ill. Adm. Code 145)
- R) Office of the State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100)
- S) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code [2120](#)~~120~~)
- T) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)

(Source: Amended at 47 Ill. Reg. _____, effective _____)